

**DEPARTMENT OF THE ARMY
Wilmington District, Corps of Engineers
Post Office Box 1890
Wilmington, North Carolina 28402-1890**

Action ID No. 200430567

March 11, 2004

PUBLIC NOTICE

The North Carolina Department of Transportation, ATTN: Dr. Gregory J. Thorpe, Director, Project Development and Environmental Analysis Branch, 1548 Mail Service Center, Raleigh, North Carolina 27699-1548 has applied for a Department of the Army (DA) permit PURSUANT TO SECTION 404 OF THE CLEAN WATER ACT TO DISCHARGE DREDGED OR FILL MATERIAL INTO .20 ACRES OF WETLAND AND .75 ACRES OF OPEN WATERS IN AND ADJACENT TO LAKE JULIAN ON A TRIBUTARY TO THE FRENCH BROAD RIVER TO FACILITATE THE WIDENING OF 1.8 MILES OF NC HIGHWAY 146 (LONG SHOALS ROAD) BETWEEN INTERSTATE HIGHWAY 26 AND US HIGHWAY 25 (HENDERSONVILLE ROAD) SOUTH OF ASHEVILLE, BUNCOMBE COUNTY, NORTH CAROLINA (TIP NO. R-2813C, STATE PROJECT NO. 8.1843601).

The following description of the work is taken from data provided by the applicant and from observations made during an onsite visit by a representative of the Corps of Engineers. Plans submitted with the application show the proposed widening of the existing two lane road to a five lane, 68-foot wide, curb and gutter facility between Interstate Highway 26 on the west and US Highway 25 (Hendersonville Road) on the east. The proposed right-of-way width for the project is 100 feet. Near its eastern end the proposed widening would occur to the north of the existing roadway and impact two small arms of Lake Julian. A total of .20 acres of herbaceous marsh and scrub shrub wetland and .75 acres of open water area would be filled at three sites. The existing single cell, 7-foot by 10-foot, concrete box culvert at Site 2 would be extended on the upstream end by approximately 61 feet affecting .46 acres of open water and .17 acres of marsh wetland. Roadway fill into open waters at Site 1 would total .33 acres. The drainage structure at this site is submerged and has not yet been located. It would be extended or replaced with a structure of similar length to the culvert at Site 2. A small scrub shrub wetland measuring approximately .03 acres would be filled at Site 3. The applicant is proposing to mitigate for .20 acres of wetland impact by utilizing the North Carolina Ecosystem Enhancement Program. The proposed mitigation would occur in the French Broad River Basin, Hydrologic Unit 06010105. A Federal Environmental Assessment (EA) for the proposed work was approved by the Federal Highway Administration (FHWA) on November 26, 1997. The purpose of the proposed work is to improve traffic flow and increase safety. Plans showing the proposed work are included with this public notice.

The State of North Carolina will review this public notice to determine the need for the applicant to obtain any required State authorization. No Department of the Army (DA) permit will be issued until the coordinated State viewpoint on the proposal has been received and reviewed by this agency, nor will a DA permit be issued until the North Carolina Department of Environment and Natural Resources (NCDENR) has determined the applicability of a Water Quality Certificate as required by PL 92-500.

This application is being considered pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344). Any person may request, in writing within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently, unknown archeological, scientific, prehistorical, or historical data may be lost or destroyed by work under the requested permit.

The District Engineer, based on available information, is not aware that the proposed activity will affect species, or their critical habitat, designated as endangered or threatened pursuant to the Endangered Species Act of 1973.

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards and flood plain values (in accordance with Executive Order 11988), land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the placement of dredged or fill materials in waters of the United States, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

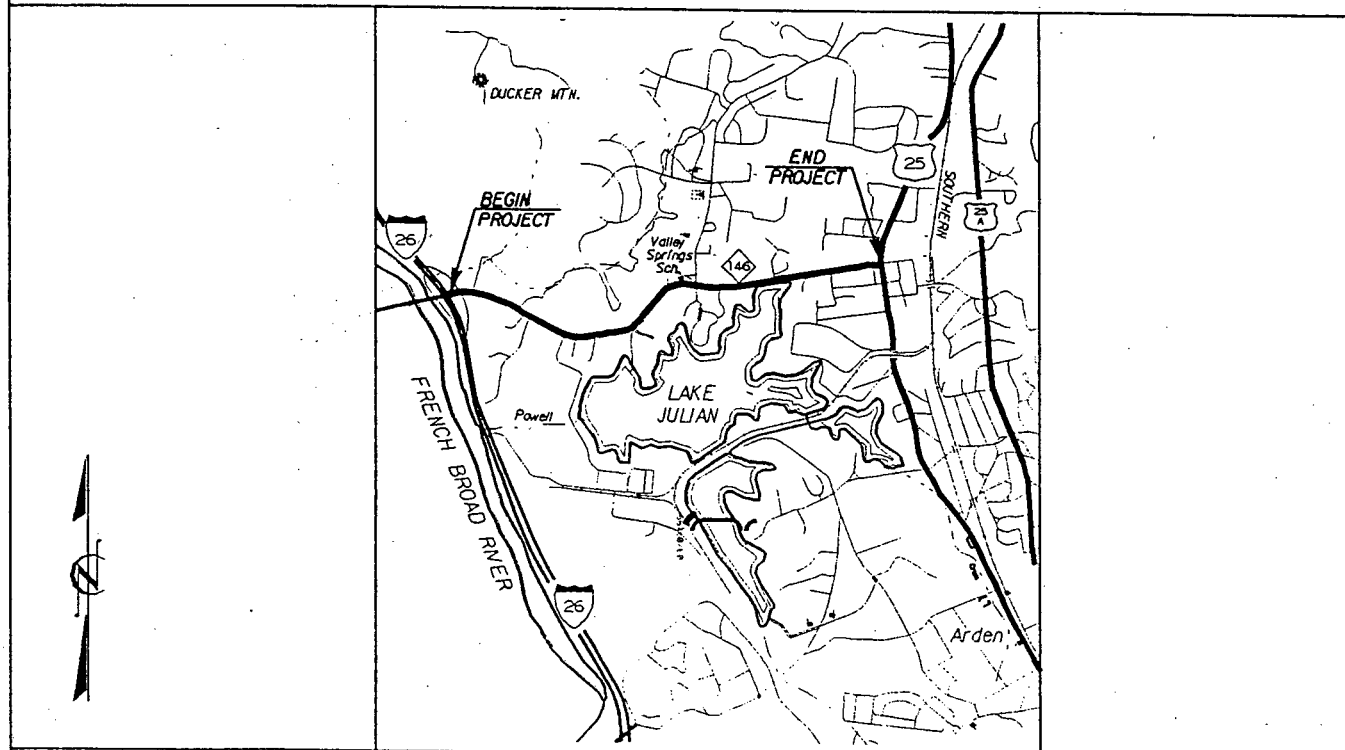
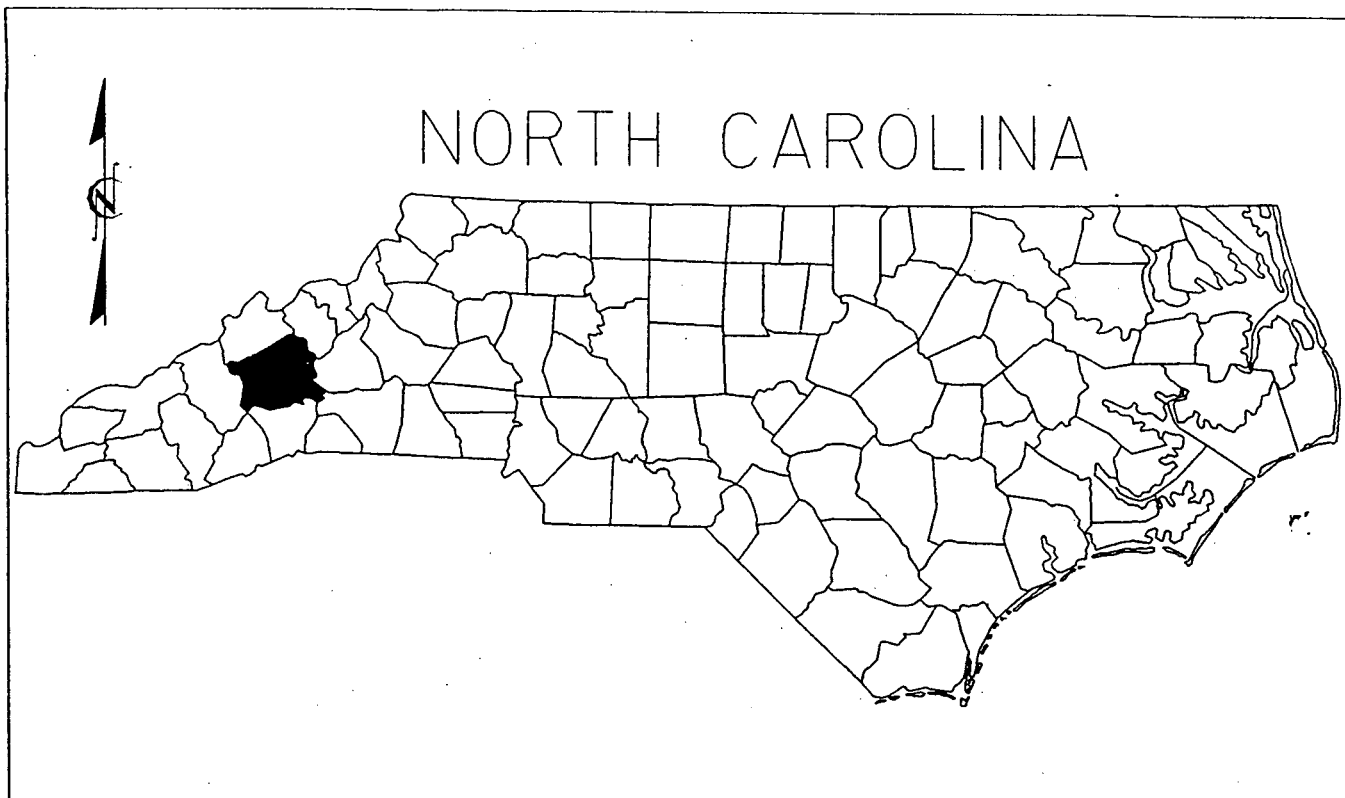
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts, including secondary and cumulative impacts, of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Generally, the decision whether to issue this Department of the Army (DA) permit will not be made until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act. The NCDWQ considers whether or not the proposed activity will comply with Sections 301, 302, 306 and 307 of the Clean Water Act. The application and this public notice for the DA permit serves as application to the NCDWQ for certification.

Additional information regarding the Clean Water Act certification may be reviewed at the offices of the 401 Wetlands Certification Unit, North Carolina Division of Water Quality (NCDWQ), 2321 Crabtree Blvd., Raleigh, North Carolina 27604. Copies of such materials will be furnished to any person requesting copies upon payment of reproduction costs.

All persons desiring to make comments regarding the application for Clean Water Act certification should do so in writing delivered to the North Carolina Division of Water Quality Wetlands Section, 1621 Mail Service Center, Raleigh, North Carolina 27626-0621, on or before April 5, 2004, Attention: Mr. John Dorney.

Written comments pertinent to the proposed work, as outlined above, will be received in this office, Attention: Mr. Steven Lund, until 4:15 p.m., April 12, 2004, or telephone (828) 271-7980.



VICINITY MAPS

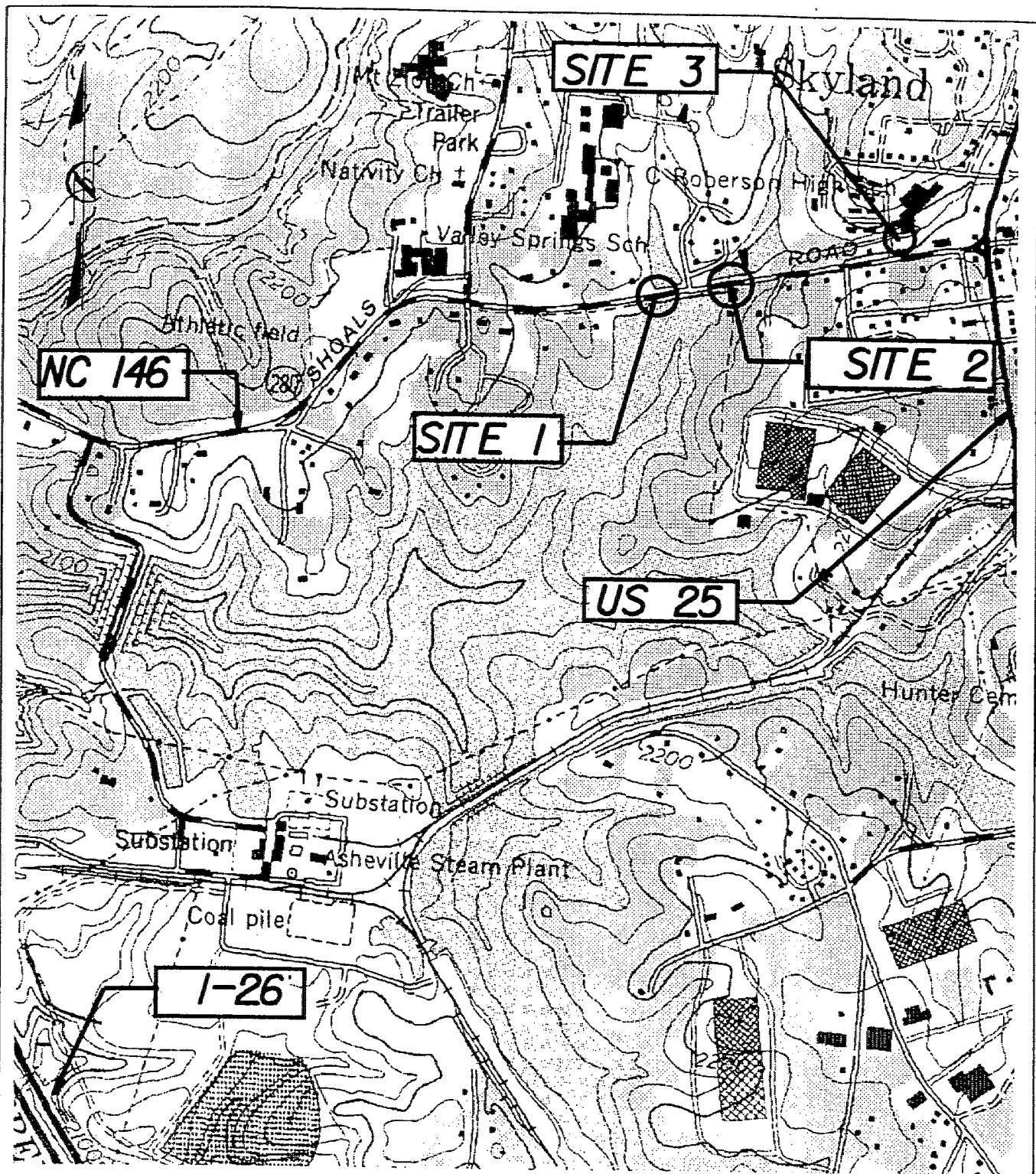
PUBLIC NOTICE SHEET 1 OF 6

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
BUNCOMBE COUNTY

PROJECT: 8.1843601 (R-2813C)
NC 146 (LONG SHOALS RD) FROM
EAST OF I-26 TO US 25
(HENDERSONVILLE ROAD)

SHEET 1 OF 11

8/19/03



SITE MAPS

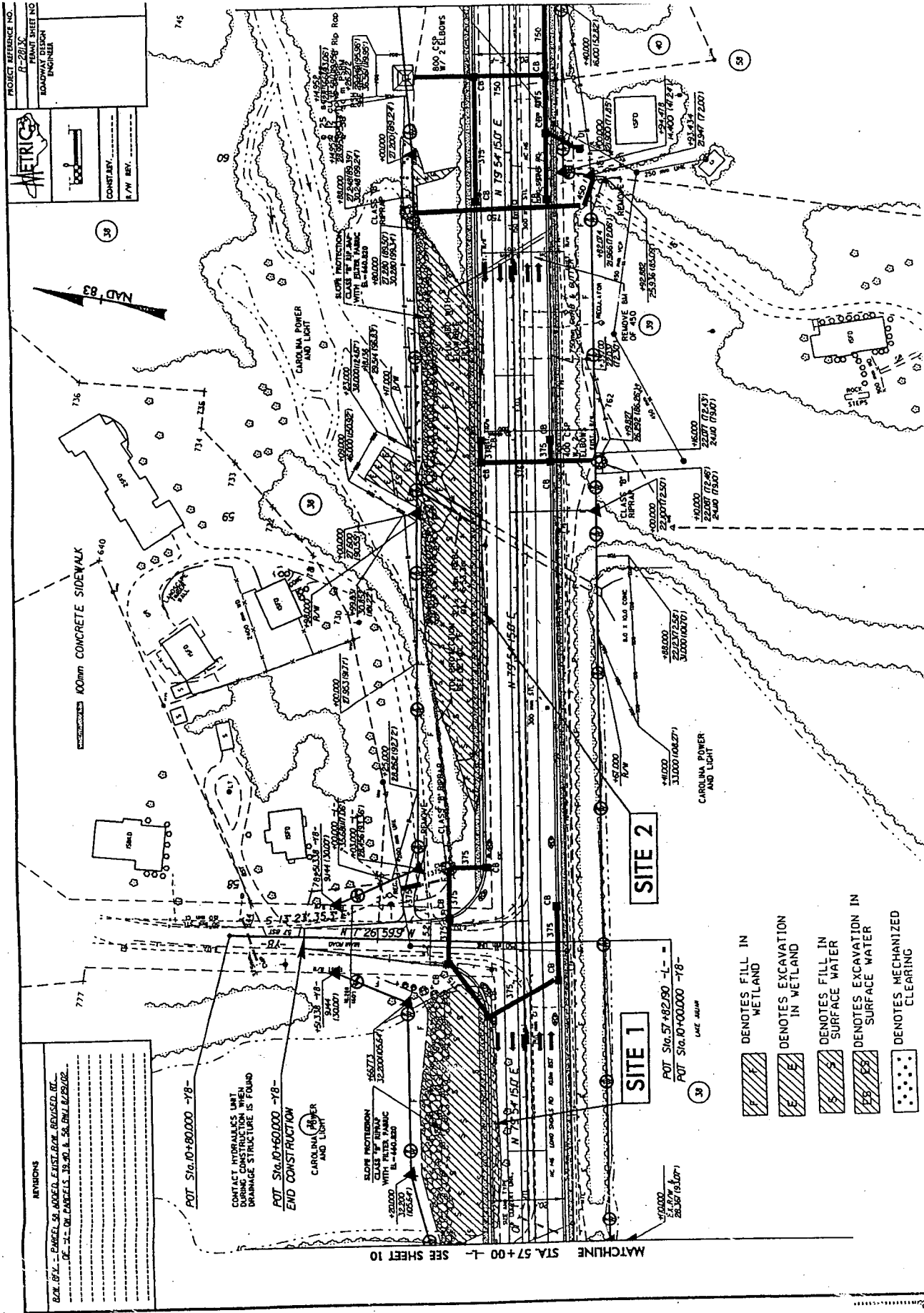
PUBLIC NOTICE SHEET 2 OF 6

N. C. DEPT. OF TRANSPORTATION
DIVISION OF HIGHWAYS
BUNCOMBE COUNTY

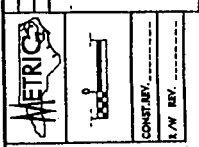
PROJECT: 8.18/3601 (R-2815C)
NC 146 (LONG SHOALS RD) FROM
EAST OF I-26 TO US 25
(HENDERSONVILLE ROAD)

SHEET 2 OF 11

8/19/03



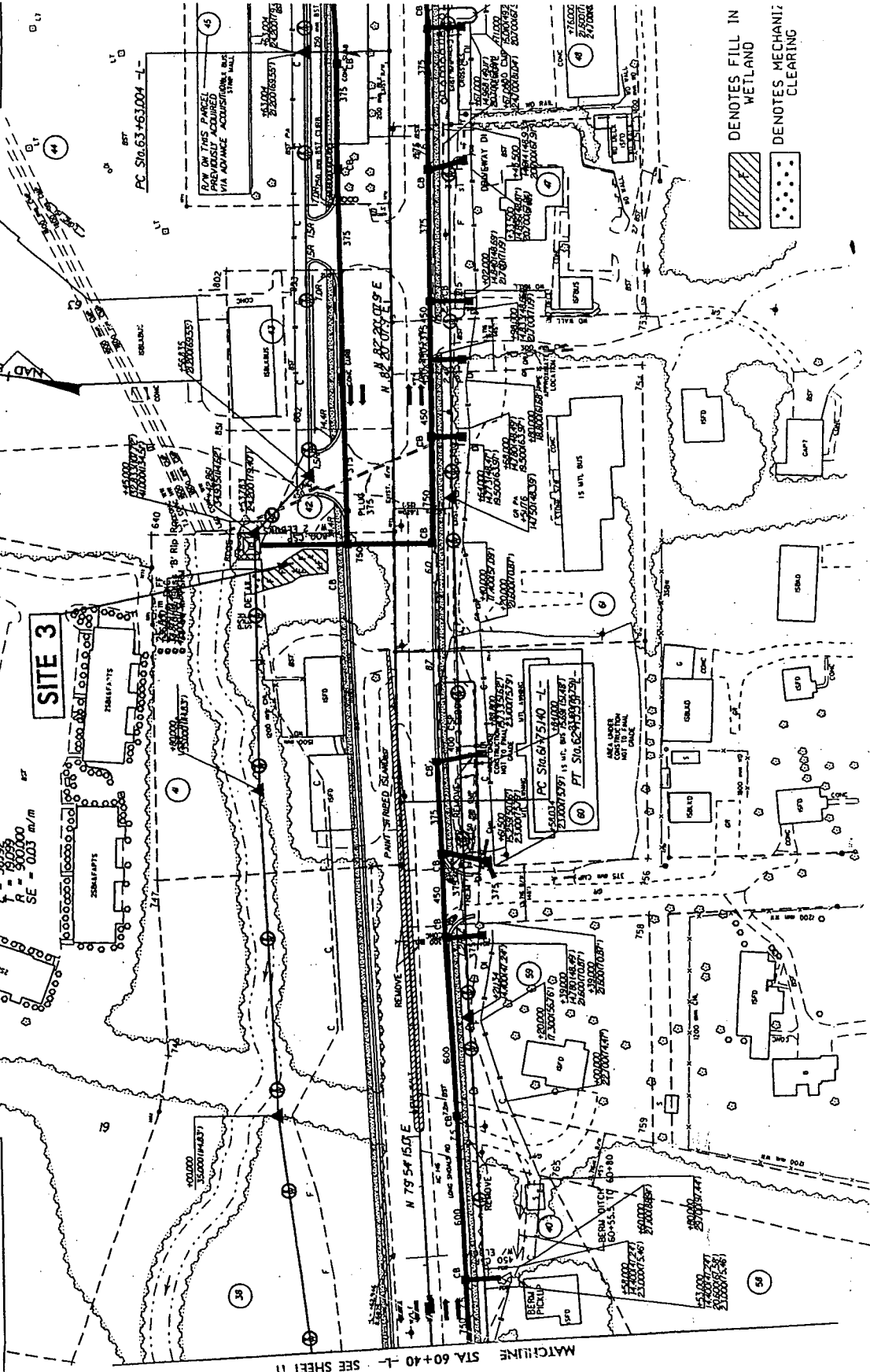
PUBLIC NOTICE SHEET 3 OF 6



CONSTRAINT: 3/4" REV.
 PI STA 64+00.02
 $\Delta = 64.12$ (LT)
 $\Delta = 8.93$
 $R = 700.00$
 $SE = 0.03$ m/m

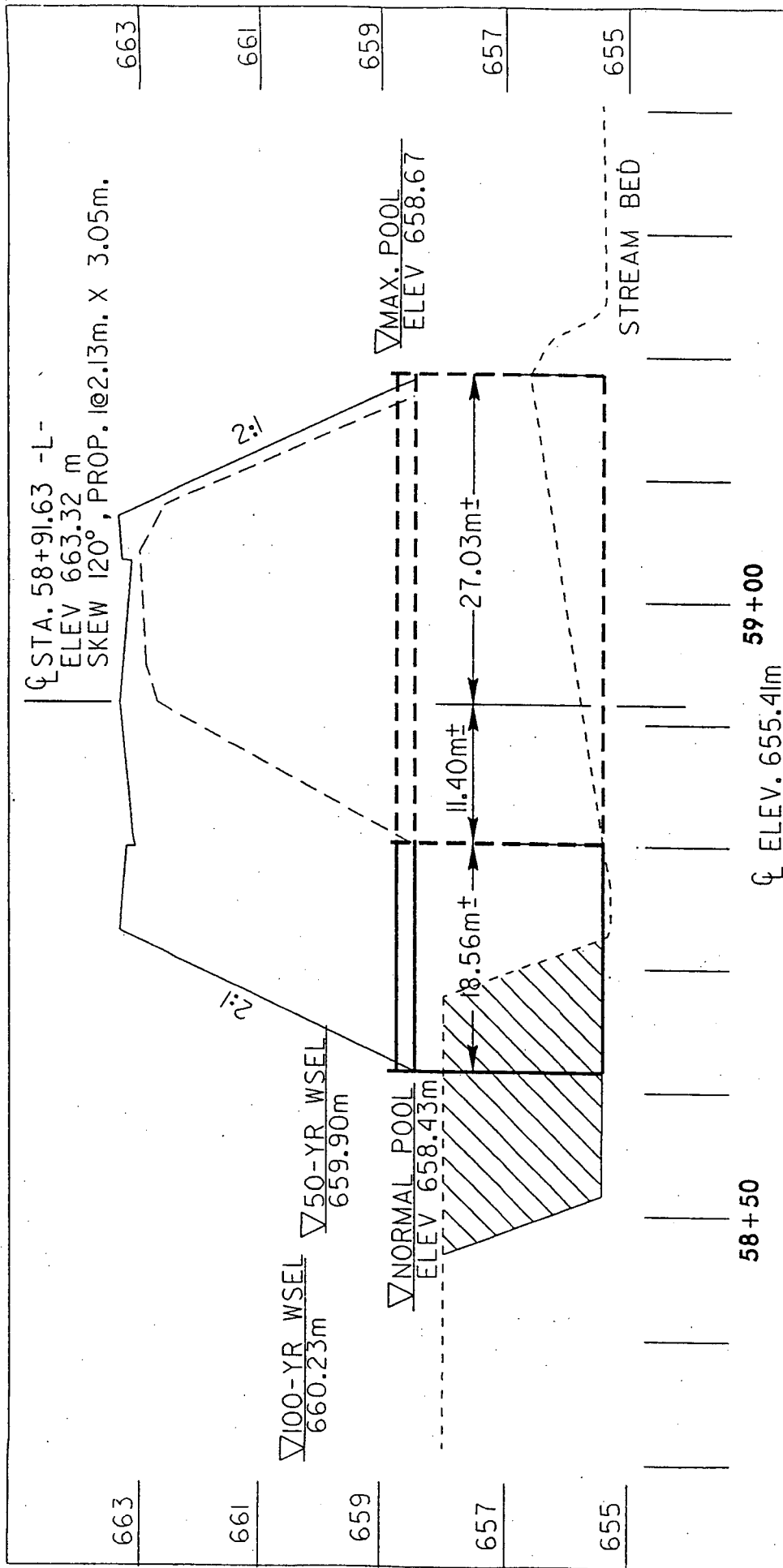
NOTE: FOR PROFILE OF -L- SEE SHEET NO. 20
 FOR 200mm x 450mm CONCRETE CURB USE 3m MIN. RADIUS
 100mm CONCRETE SIDEWALK CROSSING

REVISIONS
 022. PARCELS 54, 59, 60 & 61 ADDED. PROPOSED OWNERS
 CHANGED ON PARCELS 44, 45 & 46. EXIST. R/W
 ADJUSTED. R/OE - L- ON PARCELS 44, 59, 60, 61
 021. R/OE - L- ON PARCELS 44, 59, 60, 61
 020. R/OE - L- ON PARCELS 44, 59, 60, 61
 019. R/OE - L- ON PARCELS 44, 59, 60, 61
 018. R/OE - L- ON PARCELS 44, 59, 60, 61
 017. R/OE - L- ON PARCELS 44, 59, 60, 61
 016. R/OE - L- ON PARCELS 44, 59, 60, 61
 015. R/OE - L- ON PARCELS 44, 59, 60, 61
 014. R/OE - L- ON PARCELS 44, 59, 60, 61
 013. R/OE - L- ON PARCELS 44, 59, 60, 61
 012. R/OE - L- ON PARCELS 44, 59, 60, 61
 011. R/OE - L- ON PARCELS 44, 59, 60, 61
 010. R/OE - L- ON PARCELS 44, 59, 60, 61
 009. R/OE - L- ON PARCELS 44, 59, 60, 61
 008. R/OE - L- ON PARCELS 44, 59, 60, 61
 007. R/OE - L- ON PARCELS 44, 59, 60, 61
 006. R/OE - L- ON PARCELS 44, 59, 60, 61
 005. R/OE - L- ON PARCELS 44, 59, 60, 61
 004. R/OE - L- ON PARCELS 44, 59, 60, 61
 003. R/OE - L- ON PARCELS 44, 59, 60, 61
 002. R/OE - L- ON PARCELS 44, 59, 60, 61
 001. R/OE - L- ON PARCELS 44, 59, 60, 61



DENOTES FILL IN WETLAND
 DENOTES MECHANICAL CLEARING

MATCHLINE STA 60+40 -L- SEE SHEET 11



N.C. DEPT. OF TRANSPORTATION
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 PROJECT: 81843601 (R-2813C)
 NC 146 (LONG SHOALS ROAD) FROM
 EAST OF I-26 TO US 25
 (HENDERSONVILLE ROAD)

SHEET 9 OF 11
 8/19/03

STREAM PROFILE

DENOTES CULVERT
 EXCAVATION @ 270 cu m



PUBLIC NOTICE SHEET 5 OF 6

WETLAND PERMIT IMPACT SUMMARY

Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS				SURFACE WATER IMPACTS					
			Fill In Wetlands (ha)	Temp. Fill In Wetlands (ha)	Excavation In Wetlands (ha)	Mechanized Clearing (Method III) (ha)	Excavation In SW (Natural) (ha)	Fill In SW (Pond) (ha)	Temp. Fill In SW (ha)	Existing Channel Impacted (m)	Natural Stream Design (m)	
1	27+80 -L- (LT)	N/A							0.135			
2	29+40 -L- (LT)	2.1x3.1 RCBC EXTENSION	0.047		0.006	0.018	0.009		0.180			
3	32+85 -L- (LT)	N/A	0.009			0.002						
TOTALS:			0.056		0.006	0.020	0.009		0.315			

NCDOT

DIVISION OF HIGHWAYS
BUNCOMBE COUNTY
PROJECT 8.1843601 (R-2813C)

NC 146 FLAT SHOALS RD
FROM I-26 TO US 25

PUBLIC NOTICE STREET 6076

Form Revised 3/22/01

SHEET 10 OF 11

DATE 8-19-03